

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
NO. 1:02CV224-T

**FILED**  
ASHEVILLE, N. C.

MAY 11 2005

U.S. DISTRICT COURT  
W. DIST. OF N. C.

LOCAL 2-1971 OF PACE INTERNATIONAL )  
UNION; PAPER ALLIED-INDUSTRIAL, )  
CHEMICAL & ENERGY WORKERS )  
INTERNATIONAL UNION, on behalf of members )  
and former member participants in pension plans )  
sponsored by the Defendants; JOY M. O'DELL, )  
RAYMON C. GALLOWAY, JAMES F. SUMNER, W. )  
HARRISON WHITLOCK, HUEY W. HARRIS and )  
GURLIE R. OWEN, on behalf of themselves and others )  
similarly situated, )

Plaintiffs, )

vs. )

LANGDON M. COOPER, Trustee in Bankruptcy for )  
RFS Ecusta, Inc., and RFS U.S., Inc.; RFS ECUSTA )  
INC., as Administrator of the RFS Ecusta Inc. Hourly )  
Employees' Retirement Plan and in its own capacity; )  
DIRECTORS OF RFS ECUSTA INC.; PURICO )  
(IOM) LIMITED; RF & SON, INC.; RFS U.S., INC.; )  
NATHU PURI; STEVEN H. SMITH; TRUSTEE OF )  
THE RFS ECUSTA INC. HOURLY EMPLOYEES' )  
RETIREMENT PLAN; WACHOVIA BANK, N.A.; )  
and TRANSAMERICA BUSINESS CAPITAL )  
CORPORATION, )


Defendants. )

**ORDER IN ERISA CASE ONLY DISMISING PURICO DEFENDANTS and  
RETAINING JURISDICTION FOR MATTERS RELATED TO  
RFS ECUSTA HOURLY AND SALARIED PENSION PLANS**

The Court having read and considered the Stipulation and Agreement for  
dismissal of defendants Directors of RFS Ecusta, Inc., PURICO (IOM) LIMITED, RF &

SON, Inc., RFS US Inc., Nathu Puri, and Steven H. Smith, Trustee of the RFS Ecusta Hourly Employees Pension Plan (the "Purico Defendants"), consented to by all parties and with good cause appearing, it is ORDERED that the Purico defendants are hereby dismissed as party defendants in the ERISA case only. The caption of the case shall be amended accordingly. It is further ORDERED that the ERISA case shall remain open and the Court will continue to exercise jurisdiction to allow Trustee Langdon Cooper to finalize disposition of the RFS Ecusta, Inc., Hourly and Salaried Pension Plans upon such terms as the Court shall approve.

It is so ORDERED this 11<sup>th</sup> day of May, 2005.

  
LACY H. THORNBURG  
UNITED STATES DISTRICT COURT JUDGE